

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>DONALD L. PALMER</b>	:	
	:	
<b>Petitioner,</b>	:	
	:	<b>CASE NO. C-1-00-882</b>
<b>v.</b>	:	<b>JUDGE ROSE</b>
	:	<b>Magistrate Judge Merz</b>
<b>MARGARET BAGLEY, Warden</b>	:	
	:	
<b>Respondent.</b>	:	

**MOTION FOR A ONE DAY EXTENSION OF TIME IN WHICH TO FILE  
MOTION FOR A CERTIFICATE OF APPEALABILITY.**

Donald L. Palmer, Petitioner in the above named case, respectfully requests, that the Court permit him a One day extension of time in which to file his motion for a certificate of appealability, for the reasons set forth in the accompanying memorandum.

s/ Keith A. Yeazel  
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KEITH A. YEAZEL (0041274)  
65 SOUTH FIFTH STREET  
COLUMBUS, OH 43215  
(614) 228-7005  
Yeazel@netwalk.com  
Trial Counsel for Petitioner

**MEMORANDUM**

Due to the reasons and the late hour at which this motion is being filed counsel has not contacted opposing counsel concerning this motion. Nonetheless, petitioner cannot perceive any prejudice that might befall Respondent or Respondent's counsel if the Court grants the requested one day extension.

Nonetheless, Co-Counsel for Petitioner completed his assignment in a timely manner and

forwarded the same to Trial Counsel. Along with other work, such as court appearances and plea negotiations in federal court, Trial Counsel has been diligently finalizing the Motion for a Certificate of Appealability. Unfortunately, trial counsel has been working on the motion at his home and has belatedly discovered that he failed to forward certain reference documents from his office computer to his home computer. In light of these circumstances and given the late hour, counsel needs a one day extension of time in which to travel to his office, obtain the reference materials and finalize the motion.

Wherefore, counsel for Petitioner respectfully requests that the Court issue an order permitting his to file the motion for as certificate of appealability on July 15, 2006.

Respectfully submitted,

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s/ Keith A. Yeazel  
KEITH A. YEAZEL (0041274)  
65 SOUTH FIFTH STREET  
COLUMBUS, OH 43215  
(614) 228-7005  
Trial Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon:

Matthew C. Hellman  
Anna Franceschelli  
Assistant Attorney Generals  
Capital Crimes Division  
30 East Broad Street, 23<sup>rd</sup> Floor  
Columbus, OH 43215

utilizing the CM/ECF system, this 14th day of July, 2006.

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s/ Keith A. Yeazel

KEITH A. YEAZEL